

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KIMBERLY M. DONALDSON,)	
)	
Plaintiff,)	
vs.)	Case No. CIV-10-1383-HE
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	

ORDER


Plaintiff Kimberly Donaldson filed this case seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying her application for disability insurance benefits and supplemental security income payments under the Social Security Act. Pursuant to 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Bana Roberts. Judge Roberts recommended the Commissioner’s decision be reversed and remanded. Report and Recommendation [Doc. #22]. Objections to Judge Roberts’s Report and Recommendation were due by December 27, 2011.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis

added)). The court therefore **ADOPTS** Magistrate Judge Roberts's Report and Recommendation [Doc. #22], and the Commissioner's decision is **REVERSED** and the case **REMANDED** for further proceedings consistent with this decision.

IT IS SO ORDERED.

Dated this 17th day of January, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE